

**In the United States District Court for the Middle District of Pennsylvania**

**Plaintiff(s):**

***Paul Joseph Pavalone***

56 Archbald Street

Carbondale, PA 18407 ;

***Mary Bonita Pavalone***

400 Bedford Street Apt. 409

Clarks Summit, PA 18411

**V.**

**Defendant(s):**

**Preservation Management Inc.**

261 Gorham Road

South Portland, ME 04106 ;

**Bedford Towers Apartments**

**Property Manager**

**Cathy Gammon**

400 Bedford Street

Clarks Summit, PA 18411

Case No:

3:18cv191

**FILED  
SCRANTON**

**JAN 29 2018**

*Amy*  
**DEPUTY CLERK**

**Complaint:**

The plaintiffs bring forth the following complaint:

Plaintiff Mary Bonita Pavalone, a resident of Bedford Towers which is owned and operated by Preservation Management INC. and managed by Cathy Gammons; and her son, Paul Joseph Pavalone, caretaker of Mary Bonita Pavalone allege that they have been subjected to human rights violations, civil rights deprivations, Americans with Disabilities Act deprivations, threatened constitutional deprivations, threatened, criminally harassed, in a discriminatory, selective, and vindictive manner, for which a formal complaint was filed with the United States Department of Justice Civil Rights Division for Color of Law Violations in the form of Abuse of Office beneath 18 U.S.C. 242, a criminal offense, Housing and Urban Development Division.

Ms. Pavalone, disabled for glaucoma for which she is partially blind, a Type II diabetic whom has had amputations performed on her foot which prevents her from walking normally, has been subjected to discrimination and harassment since she has been a resident of Bedford Towers. She is 66 years of age.

While utilizing a shopping cart to do her laundry which is provided by Bedford Towers for the residents, an individual who refers himself as the "night and weekend manager", told Ms. Pavalone that she wasn't allowed to use the shopping cart and took it from her. This is a violation beneath the American's with Disability Acts which clearly states that "reasonable accommodations" must be made for the disabled.

Mr. Pavalone, the son and caretaker of Ms. Pavalone, brings his mother to the grocery store, to her doctor appointments, visits with her to assist her around her apartment has been subjected to discrimination and harassment by Ms. Gammons, resident manager of Bedford Tower Apartments, on numerous occasions.

Most recently, on January 19, 2018 Mr. Pavalone parked in Bedford Tower Apartments parking lot to go pick up his mother for a Dr. appointment. Mr. Pavalone has been parking in the parking lot since his mother began residence at Bedford Towers, as do

other caretakers and relatives of residents of Bedford Towers. Mr. Pavalone must assist his mother to the vehicle due to her vision and inability to walk and navigate unassisted. Mr. Pavalone was confronted by Ms. Gammons who told Mr. Pavalone that he isn't allowed to park in the parking lot.

Mr. Pavalone informed Ms. Gammons that he is going to pick up his mother for grocery shopping and had Ms. Pavalone's handicapped sticker issued by the Pennsylvania Department of Transportation displayed in his window. Ms. Gammons allowed Mr. Pavalone to proceed.

Ms. Pavalone wasn't feeling well that day and declined the offer to go to the grocery store by Mr. Pavalone so Mr. Pavalone left Bedford Towers Apartments without Ms. Pavalone.

Shortly thereafter, Ms. Gammons was banging on Ms. Pavalone's door stating the Mr. Pavalone "disrespected" Ms. Gammons. Ms. Pavalone went on to explain that her eye was bothering her from a recent Glaucoma treatment and wasn't feeling well and opted to not go grocery shopping.

In a criminal, vehement, dictatorial, discriminatory, selective, vindictive, abuse of office manner, Ms. Gammon's began threatening Ms. Pavalone stating that if Mr. Pavalone ever parks in the parking lot again she was going to use her administrative powers in an abusive manner to have Mr. Pavalone towed at his expense. This is discrimination because a policy which is going to be enforced to one must be enforced to all. Mr. Pavalone is also protected beneath the American's with Disability Act for a disability. This is abuse of discretion on behalf of Ms. Gammon's in a harassing manner who is abusing her office powers to inflict financial, and psychological distress.

Ms. Pavalone stated that Mr. Pavalone was unlawfully given a parking ticket by the Clarks Summit Police department who are utilizing a predatory practice by citing Bedford Tower apartments by citing them for parking violations where there are no signs posted and Ms. Gammon's responded "Not my problem".

Ms. Gammon's, in a paranoid schizophrenic, manner began accusing my mother of untrue, delusional accusations stating that: "I know that your son lives here". My mother offered her an opportunity to inspect the apartment for anything indicating such. Mr. Pavalone has his own residence in Carbondale, PA and visits his ill mother nearly on a daily basis due to her medical needs. This is criminal harassment as defined beneath 18 U.S.C. 242 Abuse of Office beneath the Color of Law Provision of the Civil Rights Act for which a formal complaint has been filed.

Furthermore, Ms. Gammon's told Mr. Pavalone that he is not allowed to use Ms. Pavalone's "code" to enter the building stating that his mother must come downstairs to get him when he arrives for her. This is another form of abuse of power and an ADA violation because his mother should not be unassisted when navigating.

On another occasion, Mr. Pavalone was falsely accused of throwing a cigarette but on the ground by the "acting manager/maintenance worker" for which he was told : "Those that don't follow the rules, get a notice". Inferring, that anyone *who* doesn't abide by the abusive rules set forth by Ms. Gammons will be evicted. Residents, elderly and disabled individuals residing at Bedford Towers apartments, including Mr. and Mrs. Pavalone are walking on eggshells beneath Ms. Gammons reign who doesn't possess the intellect, professionalism, or discretionary ability to hold her position.

***The plaintiffs bring forth the following protective laws which have been violated by Ms. Gammons:***

*The United Nations Universal Declaration of Human Rights (human rights abuses and deprivations)*

**ARTICLE III:**

Everyone has the right to life, liberty and security of person.

**ARTICLE VII:**

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against

any discrimination in violation of this Declaration and against any incitement to such discrimination.

**ARTICLE XII:**

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**ARTICLE XVII:**

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

**ARTICLE XXV:**

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

**UNITED NATIONS INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS:**

**ARTICLE II (3 A, 3B, 3C):**

3. Each State Party to the present Covenant undertakes:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

**ARTICLE VII:**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

**ARTICLE XVI:**

Everyone shall have the right to recognition everywhere as a person before the law.

**ARTICLE XVII:**

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

***DEPRIVATION OF RIGHTS BENEATH THE COLOR OF LAW PROVISION BENEATH THE CIVIL RIGHTS ACT (CRIMINAL AND CIVIL)***

**18 U.S.C. 242 – CRIMINAL**

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prison guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

**TITLE 18, U.S.C., SECTION 242**

**Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.**

**42 U.S.C 1981 – EQUAL RIGHTS BENEATH THE LAW:**

- (a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

(b) "Make and enforce contracts" defined

For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c) Protection against impairment

The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.

**42 U.S.C. 1982 – PROPERTY RIGHTS OF CIVILIANS**

All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

**42 U.S.C.1983 – DEPRIVATION OF RIGHTS**

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

**AMERICANS WITH DISABILITIES ACT**

States that "reasonable accommodations" are to be made for individuals with disabilities.

**UNITED STATES CONSTITUTION**

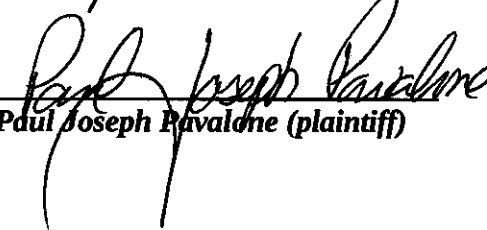
Threatening to seize the property of Mr. Pavalone in a criminally abusive manner violates the plaintiff's fourth amendment right which protects him from unlawful search and seizure.

**Relief Sought:**

Due to the degree of abuses which include threats, harassment, discrimination, abuses, elderly abuse, human rights abuses, threats to deprive and seize, psychological distress inflicted, and complete ignorance of law the plaintiffs seek damages in the amount of:

**\$2,750,000.00**

  
Mary Bonita Pavalone (plaintiff)

  
Paul Joseph Pavalone (plaintiff)

**CC:**

**Bedford Tower Apartments c/o Resident Manager Cathy Gammon  
Preservation Management INC.  
United States District Court for the Middle District of Pennsylvania**



Dear Clerk,

Please file the following Civil Complaint and attached Motion to Proceed In Forma Pauperis.

Thank You,

Paul Pavalone

